

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

H. LEIGHTON LASKEY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 06-018-JJF
	:	
PFC. ROBERT C. LEGATES,	:	
et al.,	:	
	:	
Defendants.	:	

ORDER

WHEREAS, Plaintiff H. Leighton Laskey filed this civil rights action pursuant to 42 U.S.C. § 1983 (D.I. 2);

WHEREAS, on April 24, 2006, and on June 5, 2006, Plaintiff filed motions to amend his complaint (D.I. 14, 17), and "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served", Fed. R. Civ. P. 15(a); and

WHEREAS, at the time the motions were filed, a responsive pleading has not been served;

WHEREAS, in his motions to amend Plaintiff also asks that his conviction in the Court of Common Pleas, Georgetown, Delaware, be reversed and recorded as a dismissal;

WHEREAS, a plaintiff cannot recover under § 1983 for an alleged wrongful conviction unless he proves that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal

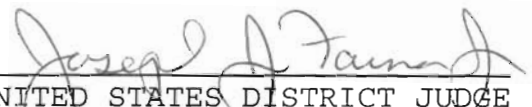
court's issuance of a writ of habeas corpus, see Heck v. Humphrey, 312 U.S. 477, 487 (1994);

THEREFORE, at Wilmington this 13 day of July, 2006, IT IS ORDERED that:

1. The motion to amends the complaint (D.I. 14, 17) are **GRANTED**. An amended complaint shall be filed within 30 days from the date of this order. If an amended complaint is not filed within that time frame, the case will proceed on the original complaint (D.I. 2).

2. The motion to reverse Plaintiff's conviction and record it as a dismissal is **DENIED**.

3. The clerk of the court shall cause a copy of this order to be mailed to Plaintiff.


UNITED STATES DISTRICT JUDGE